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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/649,088	08/07/2000	Shrikumar Hariharasubrahmanian	SHRIKUMAR	5951
7590	04/20/2006		EXAMINER	
ROBERT A. CESARI CESARI AND MCKENNA, LLP 88 BLACK FALCON AVENUE BOSTON, MA 02201				BLOUNT, STEVEN
		ART UNIT	PAPER NUMBER	
			2616	

DATE MAILED: 04/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/649,088	HARIHARASUBRAHMANIAN, SHRIKUMAR	
	Examiner	Art Unit	
	Steven Blount	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 15 December 2005.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1 - 31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 18 - 20 is/are allowed.
- 6) Claim(s) 1 - 17, 21 - 31 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 – 17, 21 - 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. patent 6,963,582 to Xu in view of U.S. patent 6,697,354 to Borella et al.

Xu teaches using a first, IP header 94 (col 8 lines 49+) which includes "pseudoheader" GRE. See col 8 lines 40+. It is noted that the GRE packet includes additional instructions containing the MN-Proxy Id for the connection, as described in col 8 lines 66+. Also note the use of a checksum in col 9 lines 4+ as part of one of the pseudoheader fields.

Xu does not however teach the use of a reply packet formatted in the (IP) first protocol format. Borella et al teach this in col 14 lines 5+. It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided XU with the capability of sending a response packet, in light of the teachings of Borella et al, in order to provide a system that can properly regulate the flow control of the data traffic.

With regard to claim 2, UDP is taught in Borella et al.

With regard to claims 3 and 4, see the rejection of claim 1.

With regard to claims 5 and 6, UDP and TCP are taught in Borella et al.

With regard to claims 8 – 10, note that the apparatus limitations are discussed with respect to the method steps of claim 1, and that in Borella et al, the additional constraints provide a second protocol (see col 8 lines 66+) that are used.

With regard to claims 8 – 17, see the rejections above and note that it would have been obvious to store the instructions in a computer readable medium in order to insure the processes repeatability.

With regard to claims 18 – 25, see the rejections above.

With regard to claim 26, note that logic in the system to implement the method is inherent in the apparatus, since the apparatus operates according to a predefined, programmed sequence of steps.

With regard to claim 27, see the rejection of claim 1 above.

With regard to claim 28, additional logic circuitry is not required in Xu.

With regard to claim 29, a different protocol is used.

With regard to claim 30, a space is allowed for the extra data in XU.

With regard to claim 31, see the rejection of claim 1.

3. Claims 18 – 20 are allowed.

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Blount whose telephone number is 571-272-3071. The examiner can normally be reached on M-F 9:00 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Doris To, can be reached on 571-272-7269. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SB  
4/8/06



DORIS H. TO  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600